

## **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 1 and 3 are amended, and new claims 16-23 are added. Claims 9 and 12 were previously canceled. Claim 11 was previously withdrawn. Claims 1-8, 10, and 13-23 are now pending.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

#### **A. Claim Amendments and/or Cancellations**

With particular reference to the claim amendments, Applicant notes that while claims 1 and 3 have been amended herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicant, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicant hereby reserves the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicant submits that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicant in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

#### **B. Remarks**

Applicant respectfully notes that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicant has broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicant, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicant notes that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the

purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

## **II. Rejection of Claims 1-4, 8, and 13 under 35 U.S.C. § 103**

### **A. Claims 1-4 and 8**

The Examiner has rejected claims 1-4 and 8 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2002/0139289 to Barmet (“*Barmet*”) in view of U.S. Patent Application Publication No. 2004/0108809 to Heo et al. (“*Heo*”). Of the rejected claims, claims 1 and 3 are independent claims. Applicant respectfully disagrees but submits that for at least the reasons set forth below, the rejections are moot and should be withdrawn.

By this paper, Applicant has amended independent claim 1 to recite in part:

“...a flexible conductor including a plurality of interconnects, where the flexible conductor is connected to the optoelectronic component and the printed circuit board such that the interconnects electrically connect the terminal contacts of the optoelectronic component and corresponding electrical contacts of the printed circuit board, an opening being defined in the flexible conductor and arranged for optical communication with the optoelectronic component by way of the window, and the flexible conductor including a bend configured and arranged such that a portion of the optoelectronic component resides in a region defined by the bend...”

Support for this amendment can be found in the application at, for example, Figure 1, and paragraphs [0010] and [0037]. In contrast, the Examiner has not shown that any of the cited references teach or suggest these elements in combination with the other elements of claim 1.

In addition, Applicant has amended claim 3 to recite in part “...wherein an opening is defined in the flexible conductor through which light can enter or leave the optoelectronic component, the opening defined opposite the optical window...” Support for this amendment can be found at least in Figure 1 and paragraph [0039] in the specification. In contrast, the Examiner has not shown that any of the cited references teach or suggest these elements in combination with the other elements recited in claims 1 and 3.

Claims 2, 4, 8, and 13 variously depend from claims 1 or 3 and thus incorporate the elements thereof. As such, the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the elements of rejected claims 1-4 and 8.

In light of the foregoing discussion, Applicant respectfully submits that the obviousness rejections of claims 1-4 and 8 should be withdrawn.

**B. Claim 13**

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as being obvious over the allegedly obvious combination of *Barmet* and *Heo*, as applied to claim 1, and further in view of U.S. Patent No. 5,387,125 to Davis et. al ("*Davis*"). *Davis* is cited simply for allegedly teaching a flexible conductor having a plurality of interconnects arranged in a flexible dielectric. Applicant respectfully disagrees but submits that for at least the reasons set forth below, the rejection is moot and should be withdrawn.

By virtue of its dependence from independent claim 1, dependent claim 13 requires all the elements of claim 1. As noted above in the discussion of claim 1 however, the Examiner has not established that all of the elements of claim 1 are taught or suggested by *Barmet* or *Heo* or by any other reference(s). Thus, the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the elements of rejected claim 13.

In light of the foregoing discussion, Applicant respectfully submits that the obviousness rejections of claim 13 should be withdrawn.

**III. Allowed Subject Matter**

The Examiner's allowance of claims 14 and 15 is appreciated. Applicant wishes to thank the Examiner for the careful review and allowance of those claims.

The Examiner has indicated that claims 5-7 and 10 would be allowable if rewritten in independent form to include all of the elements of the base claim and any intervening claims. In light of the discussion set forth herein, Applicant respectfully declines to rewrite those claims in independent form at this time.

**IV. New Claims 16-23**

By this paper, Applicant has added new claims 16-23. New claims 16-23 are believed to be allowable at least by virtue of their dependence from claim 1. Support for the new claims can be found throughout the application, including at paragraph [0029] (claims 16 and 17), Figure 1 and corresponding discussion (claims 18, 19, 22, and 23), paragraph [0033] (claim 20), paragraph [0032] (claim 21).

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-8, 10, and 13-23 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 4<sup>th</sup> day of March 2008.

Respectfully submitted,

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